

REMARKS

In an Office Action mailed March 27, 2006, claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over May in view of Takeda (U.S. Patent No. 6,867,788). Applicant respectfully traverses and requests reconsideration.

As an initial matter, Applicant respectfully reasserts the relevant arguments made in response to previous Office Actions, and respectfully submits that May in view of Takeda does not teach or suggest all of the limitations of the instant claims.

In its current form, Applicant notes that claim 1 recites displaying at least five things in a matrix area of a display: (i) a matrix, (ii) a plurality of cells, (iii) a plurality of icons displayed in one or more of the cells; (iv) row headings; and (v) column headings. Furthermore, as claimed, each icon corresponds to an element in a database. It is alleged that May teaches the display of the matrix, plurality of cells and the plurality of icons in one or more of the cells. However, Applicant disputes the assertion that May teaches the claimed “plurality of cells” as presently claimed. At this point, it may be useful to note that some confusion may exist given the use of term “cells” in both the instant claims and in May. As claimed and described in the instant application, a “cell” is an element displayed within the matrix (paragraph [0004], fourth sentence; FIGs. 3 and 4), with icons displayed therein (paragraph [0004], sixth, eighth and ninth sentences; FIGs. 3 and 4; paragraph [0115], third sentence). In contrast, an “icon” as claimed and described in the instant application is a display element “corresponding to an element of information in [a] database” (paragraph [0004], sixth sentence; FIGs. 3 and 4) that is displayed within a “cell” (as defined above) and that is user-selectable to display the information to which it corresponds (paragraph [0004], tenth sentence; paragraph [0006]).

In contrast, May teaches a hierarchy of matrices representative of the contents of a database, each matrix comprising “cells” wherein a “cell” may be one of four types: a record

cell, a parser cell, a search cell or a code cell. Parser cells allow a user to navigate to further matrices comprising cells (col. 7, lines 3-16; col. 9, lines 32-36); search and code cells allow a user to search for, select or otherwise identify record cells or the records themselves, either from the database covered by the matrix interface or from other, unrelated databases (col. 9, line 6 – col. 10, line 44). Record cells, in contrast, are associated with “individual records of the database”, and may be “used to provide direct access to actual content to the viewer when acted upon through the matrix architecture user interface 101.” (col. 9, lines 50-51, 55-57) Thus, notwithstanding the common terminology, May’s record cells are comparable to the presently-claimed “icons” rather than the presently-claimed “cells” to the extent that May’s record cells correspond to individual database elements and are user-selectable in order to display the corresponding database content. To summarize, using the terminology of the instant claims, at most May teaches a database display comprising a “matrix” (May’s “matrix 101”) comprising a plurality of “icons” (May’s “record cells”). However, May fails to teach the “cells” as presently claimed, i.e., displayed elements within the “matrix” and within which “icons” are displayed.

Applicants note Examiner’s assertion that May teaches “icons” to the extent that May’s various parser, search, code or record cells may include descriptors such as “specials; money; news; reference; program guide” etc. May teaches that these descriptors are simply parts of the cells with which they are displayed. (See e.g., col. 9, lines 38-41, 50-54) However, the fact that these descriptors are displayed as a part of May’s cells doesn’t change the fact that May’s record cells are the closest teaching to the presently claimed “icons”, as described above. Indeed, these descriptors do not correspond to elements in the database, as presently claimed; that is a function of record cells as clearly taught by May. Thus, if May’s record cells are akin to the presently claimed “icons”, May is silent on the topic of “cells” within which “icons” are displayed.

Applicant further notes that Takeda does not remedy this deficiency of May—Takeda simply fails to teach anything regarding a matrix comprising a plurality of cells and a plurality of icons (corresponding to database elements) displayed within one or more of the plurality of cells.

The rejection of claim 1 acknowledges that May fails to teach the displayed matrix including row headings and column headings, as presently claimed. To supplant this deficiency, Takeda is cited as teaching the row headings and column headings. However, Applicant respectfully submits that, notwithstanding Examiner's assertions otherwise, Takeda simply fails to teach a matrix comprising row and column headings. Indeed, with one exception, the citations to Takeda fail to make any mention of a matrix comprising row and column headings. The sole exception is column 7, lines 42-45 which does, in fact, mention a matrix arrangement of “views” in rows and columns. However, this citation fails to make any mention of row or column *headings*.

For these reasons presented above, Applicant respectfully submits that the combination of May in view of Takeda fails to teach displaying “cells” and a “matrix including displayed row headings and column headings”, as recited in instant claim 1. As a result, the combination of May in view of Takeda fails to establish prima facie obviousness of claim 1 (see M.P.E.P. § 2142: “To establish a prima facie case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.”), which claim is therefore in suitable condition for allowance.

Regarding claims 2-9 and 16-18, Applicant notes that these claims are dependent upon and therefore incorporate the limitation of claim 1, while adding further patentable subject matter. For the reasons given above regarding claim 1, Applicant respectfully submits that

claims 2-9 and 16-18 overcome the rejection based on the combination of May in view of Takeda, which claims are therefore also in suitable condition for allowance.

Additionally, regarding claim 2, it is asserted that May discloses the recited limitations “wherein the row headings identify sources from which the elements are obtained and the column headings identify subject matter to which the elements relate.” However, Applicants observe that, in the rejection of claim 1, May was characterized as failing to teach row headings and column headings, which of course would make it impossible for May to teach row headings that identify sources or column headings that identify subject matter to which the database elements relate. In any event, Applicant concurs that May fails to teach row and column headings and respectfully submits, therefore, that claim 2 encompasses additional patentable subject matter.

Further still, Applicant notes that claims 10 and 11 are directed to a computer-readable medium for executing the method of claim 1 and certain elements of its respective dependent claims. Thus, Applicant respectfully submits that claims 10 and 11 are in suitable condition for allowance for at least the same reasons presented above with regard to claim 1.

However, regarding claims 12-15, it has been asserted that these claims are directed to a computer readable medium for executing the method of claims 1-9 and 16-18. However, this is incorrect. Claims 12 and 13 are directed to a system that generates computer executable instructions. These claims are believed to be in condition for allowance for the reasons asserted in response to previous Office Actions. Namely, Examiner has admitted in the Office Action of May 7, 2003 that May does not teach a translator to combine the textual excerpts into a library file, or a computer configured to combine source code and the library file into a single executable file. As Takeda does not teach a system that generates computer executable


instructions, the references either alone or together fail to establish a prima facie case of obviousness. As to claims 14 and 15, these claims are directed to a method for generating an executable computer file. These claims are believed to be in condition for allowance for the reasons asserted in response to previous Office Actions, and because, as noted above with respect to claims 12 and 13, May does not teach the creation of an element library or source code, and thus does not teach the compilation of these two to create an executable computer file.

To the extent that claims 12-15 are not commensurate in scope with claims 1-9 and 16-18, the rejection of claims 12-15 under the same rationale as the rejection of claims 1-9 and 16-18 is improper, and Applicant respectfully submits that no basis for the rejection of claims 12-15 has been given. (See M.P.E.P. § 707.07(d): “A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) Should Examiner persist in rejecting claims 12-15 in a future Office Action, Applicant respectfully submits that any such future Office Action should not be made a final Office Action as it would be premature to the extent that Applicant will not have had an opportunity to consider a proper basis for the rejection of claims 12-15. (See M.P.E.P. § 706.07)

Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Date: 6/26/2006

By: 

Christopher P. Moreno
Registration No. 38,566

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
Phone: (312) 609-7842
Fax: (312) 609-5005